

DELEGATION OF AUTHORITY

DATE: 01/23/2017

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-12. Issuance of Stop Sale, Use or Removal Orders

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 5-12 issued by EPA Headquarters on January 18, 2017.

B. Authority. To issue stop sale, use, or removal orders as provided in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), including Section 13(a), whenever there is reason to believe on the basis of inspection or tests that a pesticide or device is in violation of any provision of FIFRA, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide has been cancelled by a final order or has been suspended.

2. TO WHOM REDELEGATED.

A. This authority is delegated to the Director, Office of Environmental Stewardship (OES).

B. The Director, OES, further redelegates this authority to the Manager, Technical Enforcement Office, OES.

3. REDELEGATION AUTHORITY.

A. This authority may be redelegated to the Section Chief level, or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Manager, Technical Enforcement Office, OES may exercise the above authority against persons in his/her region. The Manager, Technical Enforcement Office, OES may exercise the above authority against persons in another region after consulting with that region.

B. The Manager, Technical Enforcement Office, OES must obtain the advance concurrence of the Manager, Legal Enforcement Office, OES, or his/her designee, on the legal sufficiency of the action before exercising this authority. The Manager, Legal Enforcement Office, or his/her designee, may waive concurrence in writing.

C. The Manager, Legal Enforcement Office, OES, or his/her designee, shall be responsible for consulting with the Regional Counsel, or his/her designee, on significant

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counseling issues.

D. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

E. The Assistant Administrator for the Office of Enforcement and Compliance Assurance (OECA) must notify any affected Regional Administrators (RAs) before exercising any of the above authorities, however, an RA may waive this notification requirement.

5. ADDITIONAL REFERENCES. Chapter 5 delegations entitled *Civil Judicial Enforcement Actions* and *Emergency TROs* for seizure and related authority under Sections 13(b)-(d).

6. SUPERSESSON. Region I Delegation 5-12, dated May 21, 2009



H. Curtis Spalding
Regional Administrator



Susan Studlien, Director
Office of Environmental Stewardship

1-19-2017

Date

01/23/2017

Date